



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING
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May 20, 2010

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Laura Waterland, Senior Attorney
Disabilities Law Program
Community Legal Aid Society, Inc.
100 W. Tenth St., Suite 801
Wilmington, DE 19801

Dear Ms. Waterland:

I write on behalf of the State Council for Persons with Disabilities in response to your request for an opinion on a May 11, 2010 interpretation issued by the Division of Human Relations of an April 26, 2010 complaint. The interpretation posits that the failure to provide interpreter services to a Deaf individual cannot form the basis for a discrimination complaint under the Equal Accommodations law. You would like the Council to share its perspective on this interpretation for inclusion in a pleading soliciting reconsideration.

As you know, SCPD is statutorily required by Title 29 Del.C. §8210 to fulfill the following functions:

- Make recommendations to ...all state departments and agencies respecting ways to improve the administration of services for persons with disabilities ...;
- Provide policymakers...with analyses and recommendations on ...policies affecting state programs and persons with disabilities;
- Propose and promote ...policies to improve the well-being of persons with disabilities; and
- Serve as a central state clearinghouse for information and data regarding:...relevant information and data on persons with disabilities which the council deems appropriate.

Over the years, the Council has been involved in both legislative revision of the Delaware Equal Accommodations Law and commented on several occasions on proposed regulations. The Council is very familiar with the law and its intent. The Council views the law as clearly encompassing a complaint that a covered entity has failed to provide effective communication to a Deaf individual by not offering interpreter services. In the Council's view, allegation of such a failure is a claim of discrimination.

You should feel free to share this guidance with the Commission.

Sincerely,

Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities
scpd/hrc-terp services 5-19-10